Docket 85921
Customer No. 70523
Confirmation No. 4290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Douglas M. Csaszar et al.

CASSETTE FOR FLEXIBLE STORAGE PHOSPHOR MEDIA

Serial No. 10/767,277

Filed: January 28, 2004

Group Art Unit: 3653

Examiner: Jeremy R. Severson

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10 day of June 2008.

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APPEAL BRIEF PURSUANT TO 37 C.F.R. 41.37 and 35 U.S.C. 134

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APPELLANT'S BRIEF ON APPEAL

Appellant hereby appeals to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection dated January 10, 2008.

Real Party In Interest

As indicated above in the caption of the Brief, Carestream Health, Inc. is the real party in interest.

Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status Of The Claims

Claims 1-12 were originally filed in the application. Claims 13 and 14 were added during prosecution. Claims 3 and 5 have been canceled. Accordingly, Claims 1, 2, 4, and 6-14 are pending in the application.

This appeal is from the final rejection of Claims 1, 2, 4, and 6-14.

Claims 1, 2, and 6-13 stand rejected under 35 USC 102 as being anticipated by US Patent No. 2,056,279 (*Kulick*). Claims 4 and 14 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 2,056,279 (*Kulick*) in view of US Patent No. 4,434,501 (*Pfeiffer*).

A copy of the claims on appeal appears in the Appendix to this brief.

Status Of Amendments

A Final Rejection dated January 10, 2008 was received. No Amendment under 37 CFR 1.116 was filed. A Notice of Appeal was filed on April 10, 2008. Other than the Notice of Appeal and this Brief, no response has been filed since the receipt of the Final Rejection dated January 10, 2008.

Summary Of The Claimed Subject Matter

The invention relates generally to cassettes, and in particular to a cassette for an x-ray phosphor film of the kind used in computed radiography (CR).

In computed radiography, a photographic element has an image formed thereon by x-rays, and the element is subsequently provided to a processor/reader where the photographic element is stimulated to emit a radiation pattern that is captured for storage and use. Cassettes of the kind used in computed radiography (CR) may comprise a container/box having upper and lower parts that are hinged together so that they can be opened for insertion of a thin, flexible film sheet or rigid film plate comprising the photographic element. The cassette is closed and latched so that the cassette with the element therein can be used with an x-ray apparatus to produce an image on the photographic element. Then the cassette is taken to a reader where the cassette must be opened and the photographic element extracted by suitable feeders, such as suction feeding devices. The photographic element is separated from the cassette and transported through the reader where it is stimulated to emit a radiation pattern and subsequently erased before being returned to the cassette for re-use.

Known cassettes and the photographic elements have generally been satisfactory, however, the present invention provides a cassette which supports a thin, flexible sheet that can be readily extracted from the cassette by a reader having a minimal footprint or extraction area to access the storage phosphor sheet.

As claimed in independent Claim 1 and shown in the figures, the present invention is directed to a cassette 100 for a sheet-shaped image medium having a substantially planar surface along its length wherein cassette 100 is comprised of (1) a box member adapted to house the sheet-shaped image medium therein, (2) a pivotable access member, and (3) a transport member.

The box member (best shown in Figures 1-3 and described on Page 4) is provided with an opening through which the sheet-shaped image medium can be fed into and out of the box member along a first substantially planar direction. The opening is best shown in Figure 7, at the left side of cassette 100.

As described on Page 8, lines 21-31, a pivotable access member 16 is attached to the box member and pivotably moves about an axis substantially perpendicular to the first direction between a first position wherein the access member is disposed in the opening and a second position wherein the access member is not disposed in the opening. Figure 7 shows a cross-sectional side view of the cassette showing the access member in an open position and the medium disposed within the cassette. Figure 10 shows a cross-sectional side view of the cassette showing the access member in a closed position and the medium disposed within the cassette.

A transport member 34 is disposed within the box member and is configured to move solely in planar translation. The transport member translates in the first substantially planar direction to move the medium into and out of the box member through the opening when the access member is in the second position. The transport member has a substantially planar surface which contacts the planar surface of the medium along its length when the transport member is moving the medium into and out of the box member. This feature is described in the Specification at Page 7, lines 4-28 and shown in Figures 7 and 9a and 9b.

Grounds Of Rejection To Be Reviewed On Appeal

The following issues are presented for review by the Board of Patent Appeals and Interferences:

A. Whether Claims 1, 2, and 6-13 are unpatenable under 35 USC 102 as being anticipated by US Patent No. 2,056,279 (*Kulick*).

B. Whether Claims 4 and 14 are unpatentable under 35 USC 103 as being obvious over US Patent No. 2,056,279 (*Kulick*) in view of US Patent No. 4,434,501 (*Pfeiffer*).

Arguments

Issue A.

Claims 1, 2, and 6-13 are not anticipated by US Patent No. 2,056,279 (*Kulick*).

Claims 1, 2, and 6-13 stand rejected under 35 USC 102 as being anticipated by US Patent No. 2,056,279 (*Kulick*). This rejection is respectfully traversed.

The present invention's transport member moves solely in translation, as shown in the figures and described in the Specification starting at Page 6, line 24. The transport member moves solely in translation wherein the translation in the planar direction moves the medium into and out of the box member. Claim 1 clearly describes the movement of the transport member as "a transport member disposed within the box member configured to move solely in planar translation" (emphasis added).

Kulick teaches a cassette having a hinged platform 19 which determines a parallelogram (Col 2, lines 23-37) to raise and lower film 34 in a parallel relation. As described in *Kulick* at Col, 2, lines 23-37, the parallelogram moves platform 19 about a pivot point so as to maintain platform 19 always parallel to the ceiling of the box. While platform 19 may maintain a particular orientation during movement, the actual movement of platform 19 is not solely in planar translation. As clearly shown in Figures 2-5, a parallelogram does not provide solely planar translational movement of platform 19.

Note that *Kulick's* element 23 is a "screen" mounted on platform 19 (*Kulick* Col. 2, lines 31-33). As such, *Kulick's* element 23 is not a "transport member" as identified by the Examiner in the Final Office Action on Page 2.

Accordingly, Claim 1 is not anticipated by *Kulick*.

Claims 2 and 6-13 are dependent on Claim 1, and therefore includes all the features thereof. For the reasons set forth above with regard to

Claim 1, Claims 2 and 6-13 are also believed to be patentable. Applicant also notes that the dependent claims are also patentable for additional reasons by virtue of the subject matter recited in each dependent claims. For example, the cited reference fails to disclose the recited features of dependent Claim 6, as *Kulick* does not use a frictional force between the medium and transport member to promote translation of the medium. Rather, an operator removes/inserts film 34 from hinged platform 19.

Issue B.

Claims 4 and 14 are not obvious over US Patent No. 2,056,279 (*Kulick*) in view of US Patent No. 4,434,501 (*Pfeiffer*).

Claims 4 and 14 stand rejected under 35 USC 103 as being unpatentable over *Kulick* in view of *Pfeiffer*. This rejection is respectfully traversed.

Claim 4 recites that the planar surface of the transport member is comprised of neoprene for friction control.

Claim 4 is dependent on Claim 1, and therefore includes all the features thereof. For the reasons set forth above with regard to Claim 1, Claim 4 is also believed to be patentable.

Claim 4 is also patentable for additional reasons by virtue of the subject matter recited in the claim. For example, *Pfeiffer* does not disclose neoprene, as *Pfeiffer* mentions only "foamy plastic". Further, the Final Office Action indicates that *Pfeiffer's* "foamy plastic" can be used "to provide cushioning and protection for the phosphor sheet".

In contrast, the present invention employs neoprene as a surface of the transport member to control the frictional interaction of the medium, as described in the Specification on Page 7, lines 12-17. More particularly, this material allows the medium to stick/adhere/contact to the transport member for

insertion and extraction, yet also allow slippage when the medium is extracted/inserted from the cassette.

Thus, even if – for argument purposes only - *Pfeiffer's* "foamy plastic" were combined with *Kulick* as suggested in the Final Office Action, the present invention would not result since *Pfeiffer* teaches neoprene's use for cushioning/protection and does not teach the present invention's use of the neoprene for controlling frictional interaction.

Accordingly, Claim 4 is believed to be patentable.

With specific regard to Claim 14, Claim 14 recites that the transport member comprises a planar frictional control surface comprised of neoprene adapted to affect friction control between the medium and the transport member.

Claim 14 is dependent on Claim 1, and therefore includes all the features thereof. For the reasons set forth above with regard to Claim 1, Claim 14 is also believed to be patentable. In addition, Claim 14 recites a structural difference between the claimed invention and the prior art – more particularly, the feature of a planar frictional control surface of the transport member. This feature is not described in either *Kulick* or *Pfeiffer*. Accordingly, Claim 14 is believed to be patentable.

Summary

The claimed subject matter is directed to a cassette comprised of (1) a box member adapted to house an image medium therein, (2) a pivotable access member, and (3) a transport member. The box member has an opening through which the medium can be fed into and out of the box member along a first substantially planar direction. A pivotable access member is attached to the box member to pivotably move about an axis substantially perpendicular to the first direction between a first position wherein the access member is disposed in the opening and a second position wherein the access member is not disposed in the opening. A transport member disposed within the box member is configured to

move solely in planar translation to move the medium into and out of the box member through the opening when the access member is in the second position. The transport member has a substantially planar surface which contacts the planar surface of the medium along its length when the transport member is moving the medium into and out of the box member.

For the reasons stated above:

1. Claims 1, 2, and 6-13 define apparatus that is not anticipated over US Patent No. 2,056,279 (*Kulick*) based on a proper application of 35 USC 102.
2. Claims 4 and 14 define apparatus that is not taught or rendered obvious over US Patent No. 2,056,279 (*Kulick*) in view of US Patent No. 4,434,501 (*Pfeiffer*) based on a proper application of 35 U.S.C. 103.

Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of Claims 1, 2, 4, and 6-14, and pass the application to issuance.

Respectfully submitted,

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Enclosures

Appendix I

Claims on Appeal

1. A cassette for a sheet-shaped image medium having a substantially planar surface along its length, comprising:

a box member adapted to house the medium therein, the box member being provided with an opening through which the medium can be fed into and out of the box member along a first substantially planar direction;

a pivotable access member attached to the box member and pivotably movable about an axis substantially perpendicular to the first direction between a first position wherein the access member is disposed in the opening and a second position wherein the access member is not disposed in the opening; and

a transport member disposed within the box member configured to move solely in planar translation, the transport member translating in the first substantially planar direction to move the medium into and out of the box member through the opening when the access member is in the second position, the transport member having a substantially planar surface which contacts the planar surface of the medium along its length when the transport member is moving the medium into and out of the box member.

2. The cassette according to Claim 1 wherein the image medium is a stimulable storage phosphor sheet.

3. (Cancelled)

4. The cassette according to Claim 1 wherein the planar surface of the transport member is comprised of neoprene for friction control.

5. (Cancelled)

6. The cassette according to Claim 1 wherein the transport member has a substantially planar surface and the medium has a surface, and a frictional force between the surfaces of the transport member and medium promotes translation of the medium into and out of the box member.

7. The cassette according to Claim 1 wherein the movement of the access member-and the movement of the transport member is actuated by a single operation.

8. The cassette according to Claim 1 further comprising an assist mechanism biased in the first direction to promote translation of the transport member.

9. The cassette according to Claim 1 wherein the transport member translates a distance from about 2 inches (50.8 mm) to about 5 inches (127 mm).

10. The cassette according to Claim 1 further comprising a guide, separate from the transport member, which contacts the transport member when the access member is disposed in the second position to guide the movement of the medium.

11. The cassette according to Claim 10 further wherein the guide is comprised of a material which reduces electrostatic charging.

12. The cassette according to Claim 1 further comprising a spring biasing the access member in the first position.

13. The cassette according to Claim 1, wherein the pivotable access member is disposed within the box member when in the first position and the second position.

14. The cassette according to Claim 1 wherein the transport member comprises a planar frictional control surface comprised of neoprene adapted to affect friction control between the medium and the transport member.

Appendix II

Evidence

None

Appendix III

Related Proceedings

None